

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CENTRAL SECTION

CIVIL ACTION NO. 4:19-CV-40068-TSH

A2Z DENTAL LLC)
Plaintiff,)
)
vs.)
)
MIRI TRADING LLC, dba POLAROID)
DENTAL IMAGING)
Defendant,)
)

MOTION FOR SERVICE BY ALTERNATIVE MEANS

Now comes the Plaintiff A2Z Dental LLC (“A2Z”) and respectfully moves that this Honorable Court enter an Order allowing the Plaintiff to effectuate service by publication in a newspaper of general circulation in the location that will most reasonably provide actual notice to the Defendant Miri Trading LLC, dba Polaroid Dental Imaging (“Miri”). In support of this motion, the Plaintiff submits its Affidavit of Counsel. The Defendant is a New York State registered Limited Liability Company.

Pursuant to this request, the Plaintiff states the following:

- The Plaintiff has made a good-faith effort to effect service pursuant to Fed. R. Civ. P. Rule 4;
- On or about May 22, 2019, the Plaintiff mailed the Complaint, Summons, Civil Action Cover Sheet, and two Copies of the Waiver of Service form to the Defendant via first-class mail (the “Complaint package”). The Complaint package was sent to the Defendant’s principal place of business located at 8 Jay Court, Monsey, New York;

- Counsel for the Plaintiff engaged in made multiple conversations with corporate counsel for the Defendant, Samuel L. Rosenberg. During those conversations, counsel for the Defendant informed counsel for the Plaintiff that he would not be entering an appearance in this matter and that he would not sign the waiver of service on behalf of the Defendant;
- On or about July 19, 2019, the Plaintiff requested that service be effectuated by the Rockland County Sheriff's Office upon the Defendant's registered agent who is located within the jurisdiction of that county. The Sheriff's Office has made ten attempts to serve the Defendant but was unable to effectuate service as no one has been present when the attempts were made, which included both day time and evening hours;
- On or about August 8, 2019, the Plaintiff sought to have the Defendant served pursuant to N.Y. Ltd. Liab. Co. Law § 303, which permits service of limited liability companies by directly serving the New York Secretary of State. On August 14, 2019, the Plaintiff was informed by the New York Secretary of State that it was rejecting service as the Plaintiff is a Massachusetts entity; and
- On August 14, 2019, the Plaintiff contacted another constable in the Rockland County area to effectuate service. On August 21, 2019, counsel for the Plaintiff received notice that the newly retained constable had been unable to effectuate service at this time as no one was present when the attempts were made.

WHEREFORE, the Plaintiff A2Z Dental LLC respectfully requests that this Court grant it approval to make service by publication in a newspaper of general circulation in the town in which the Defendant and its registered agent are located.

Respectfully Submitted,

A2Z Dental, LLC,
By Its Attorneys,

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Date: August 21, 2019